

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL.**

Writ Petition No. 4082 (S/S) of 2001

Old Number:

Writ Petition o. 34006 of 1996

Pramod Kumar Nautiyal,
S/o Sri Madan Lal Nautiyal,
Peon (Orderly) District Consumer Forum,
Uttarkashi.

.....Petitioner

V e r s u s

1. District Magistrate, Uttar Kashi
2. The District Supply Officer, Uttar Kashi.
3. The U.P. State Consumer Commission, Lucknow
4. The Employment Officer, Employment Exchange, Uttar Kashi.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Ms. Puja Banga, holding brief of Sri Sudhanshu Dulia, learned counsel for the petitioner and Sri Paresh Tripathi, learned standing counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for following reliefs:

- (i) *issue a writ, order or direction in the nature of mandamus commanding the respondents to promote the petitioner on one of the existing vacancies in Class III under the 15% quota for the departmental candidates;*
- (ii) *issued a writ, order or direction in the nature of mandamus commanding the respondent not to*

make any appointment on the existing vacancies in District Consumer Forum until and unless the posts are advertised and Selection Committee is formed and the petitioner be also allowed to face the Selection Committee;

(iii) *Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstance of the case.*

On 17.10.1996 the Allahabad High Court has passed the order to the following effect that in the meantime, respondent no. 1 is directed to decide the representation filed by the petitioner within a period of one month from the date a certified copy of this order is produced before him or to show cause within the same time.

Respondents have not filed any counter affidavit till date. Neither the petitioner nor the respondents are in a position to inform the Court whether direction dated 17.10.1996 issued by the Allahabad High Court is complied by the respondent or not?

The submission of the petitioner is that he was working as Class IV employee and is eligible to be promoted to the post of Class III under 15% quota prescribed under Rules. More than nine years have passed. It is expected that by the time respondents have complied with the order dated 17.10.1996 passed by Allahabad High Court.

In case, if the order has yet not been passed on representation of the petitioner, respondents are directed to decide the representation of the petitioner within a period

three weeks from the dated of production of certified copy of the order. If the petitioner has yet not been promoted to the Class III post, respondents shall consider the claim of the petitioner while deciding the representation for promotion under 15% quota prescribed under the Rules provided the petitioner is eligible to be promoted on the post.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May 19, 2006
SKSharma